

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FAIRFIELD INVESTMENT FUND LIMITED,
STABLE FUND, FAIRFIELD GREENWICH
LIMITED, FAIRFIELD GREENWICH
(BERMUDA), LTD., FAIRFIELD GREENWICH
ADVISORS LLC, FAIRFIELD
INTERNATIONAL MANAGERS, INC.,
WALTER NOEL, JEFFREY TUCKER, ANDRÉS
PIEDRAHITA, MARK MCKEEFRY, DANIEL
LIPTON, AMIT VIJAYVERGIYA, GORDON
MCKENZIE, RICHARD LANDSBERGER,
PHILIP TOUB, CHARLES MURPHY, ROBERT
BLUM, ANDREW SMITH, HAROLD
GREISMAN, GREGORY BOWES, CORINA
NOEL PIEDRAHITA, LOURDES
BARRENECHE, CORNELIS BOELE,
SANTIAGO REYES, and JACQUELINE
HARARY,

Defendants.

Adv. Pro. No. 09-01239 (SMB)

**APPELLEES' COUNTER-DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellees Fairfield Greenwich Limited, Fairfield Greenwich (Bermuda) Limited, Fairfield Greenwich Advisors LLC, Fairfield International Managers, Inc., Walter Noel, Jeffrey Tucker, Andres Piedrahita, Mark McKeefry, Daniel Lipton, Amit Vijayvergiya, Gordon McKenzie, Richard Landsberger, Philip Toub, Charles Murphy, Robert Blum, Andrew Smith, Harold Greisman, Gregory Bowes, Corina Noel Piedrahita, Lourdes Barreneche, Cornelis Boele, Santiago Reyes, and Jacqueline Harary (collectively, the “Appellees”), by and through their undersigned counsel, respectfully submit, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, their counter-designation of items to be included in the record on appeal with respect to the appeal by Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, et seq., and Bernard L. Madoff, individually, in the above captioned adversary proceeding (the “Adversary Proceeding”) of the Final Order Granting Motion to Partially Dismiss Amended Complaint (the “Final Judgment”) before the United States Court of Appeals for the Second Circuit.

**COUNTER-DESIGNATION OF ITEMS TO BE
INCLUDED IN THE RECORD ON APPEAL¹**

1. All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment, including, without limitation, the items designated in the Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal (ECF No. 234);²

¹ Items designated include all exhibits and submissions attached thereto and, as to hearing transcripts, any and all documents admitted into evidence.

² Unless otherwise stated, citations to (ECF No. __) refer to docket entries for *Picard v. Fairfield Investment Fund Limited, et al.*, Adv. Pro. No. 09-01239 (SMB) (Bankr. S.D.N.Y.).

2. The Certification of Direct Appeal to Court of Appeals (ECF No. 236); and
3. The April 8, 2016 Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehan's April 7, 2016 Letter (*Secs. Inv. Protection Corp. v. Bernard L. Madoff Inv. Secs., LLC*, Adv. Pro. No. 08-01789 (SMB), ECF No. 13070).

RESERVATION OF RIGHT

Appellees expressly reserves the right to supplement the record on appeal or cross-appeal and to adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment.

Dated: April 11, 2017
New York, New York

Respectfully submitted,

By: /s/ Mark G. Cunha
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017
T: (212) 455-2000
Mark G. Cunha
Email: mcunha@stblaw.com
Peter E. Kazanoff
Email: pkazanoff@stblaw.com
Jeffrey E. Baldwin
Email: jbalwin@stblaw.com

*Attorneys for Appellees Fairfield Greenwich Limited,
Fairfield Greenwich (Bermuda) Limited, Fairfield
Greenwich Advisors LLC, Fairfield International
Managers, Inc., Walter Noel, Jeffrey Tucker, Andres
Piedrahita, Mark McKeefry, Daniel Lipton, Amit
Vijayvergiya, Gordon McKenzie, Richard Landsberger,
Philip Toub, Charles Murphy, Robert Blum, Andrew Smith,
Harold Greisman, Gregory Bowes, Corina Noel Piedrahita,
Lourdes Barreneche, Cornelis Boele, Santiago Reyes, and
Jacqueline Harary*

By: /s/ Andrew J. Levander

DECHERT LLP

1095 Avenue of the Americas

New York, New York 10036

T: (212) 698-3500

Andrew J. Levander

Email: andrew.levander@dechert.com

Neil A. Steiner

Email: neil.steiner@dechert.com

Attorneys for Appellee Andres Piedrahita

By: /s/ Andrew W. Hammond

WHITE & CASE LLP

1155 Avenue of the Americas

New York, New York 10036

T: (212) 819-8200

Andrew W. Hammond

Email: ahammond@whitecase.com

Glenn M. Kurtz

Email: gkurtz@whitecase.com

Attorneys for Appellee Walter Noel

By: /s/ Daniel J. Fetterman

KASOWITZ BENSON TORRES & FRIEDMAN LLP

1633 Broadway

New York, NY 10019

T: (212) 506-1700

Daniel J. Fetterman

Email: dfetterman@kasowitz.com

Attorneys for Appellee Jeffrey Tucker

By: /s/ Edward M. Spiro

**MORVILLO ABRAMOWITZ GRAND IASON, &
ANELLO P.C.**

565 5th Avenue

New York, New York 10017

T: (212) 856-9600

Edward M. Spiro

Email: espiro@maglaw.com

Attorneys for Appellee Robert Blum

By: /s/ Bruce A. Baird

COVINGTON & BURLING LLP

One City Center

850 Tenth Street, NW

Washington, DC 20001

T: (202) 662-4956

Bruce A. Baird

Email: bbaird@cov.com

Attorneys for Appellee Gregory Bowes